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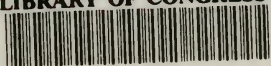
CARLETON'S DIGEST

OF THE

MAINE FISH AND GAME LAWS.

1899.

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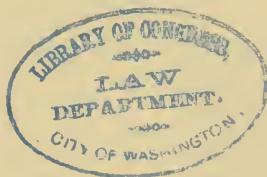
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To the Honorable Henry O. Stanley, of Dixfield, Maine, the foremost fish culturist and angler in New England, who for nearly a third of a century has devoted his time and talents, and without any adequate remuneration, to the propagation and protection of fish, and under great discouragements, I dedicate this little, unpretentious volume. That he may live yet many years to enjoy the fruition of his intelligent labors is the sincere wish of that great throng of his friends who have learned to respect and admire him.

+
L. J. Carleton

Augusta, Me.
(P.)

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PREFACE.

The legislature of 1899 enacted a law which is chapter 42 of the Public Laws of 1899—revising, consolidating, amending and simplifying all the laws pertaining to inland fisheries and game, both public, and private and special, and every law pertaining to inland fisheries and game, whether public, private or special, is herein contained and may be found in the chapter above referred to of the Public Acts of the legislature of 1899. All rules and regulations heretofore adopted by the commissioners are repealed and we start with a clean slate with this revision.

A few rules and regulations have been adopted since the adjournment of the last legislature by the commissioners, which have the force of law, and are incorporated herein, with notes of the decisions of the courts and explanations. I venture to give my interpretation of the various enactments upon which I am most frequently inquired about.

The edition of 10,000 copies of chapter 42, Public Laws of 1899, printed for free distribution by order of the legislature, is entirely exhausted.

That this little, unpretentious compilation may be of some benefit to our wardens, visiting sportsmen, and all those interested in the great subject of inland fisheries and game in the State of Maine, is the sincere wish of the author.

AUGUSTA, November 1, 1899.

CARLETON'S DIGEST

Of the Inland Fish and Game Laws of the State of Maine.

What the law is explained and stated in plain language, with citations from decisions of the courts, and forms for petitions, complaints, etc.

"A state has the constitutional right to regulate the killing of game, birds and fish within its borders, and confine their use to the limits of the state, and forbid its transmission outside of the state." Decision United States Supreme Court, 161 U. S. Reports, page 519.

It is lawful under the Constitution for a state to allow the killing of birds within the state, during a designated open season, to allow such birds when so killed to be used within the state, and yet to forbid their transportation beyond the state.

From the earliest traditions the right to reduce animals, *ferae naturae*, to possession has been subject to the law making power. United States Supreme Court. 161 U. S. Reps., 522.

The human race having multiplied, men partitioned among themselves the earth and the greater part of those things which were on its surface. That which fell to each one among them commenced to belong to him in private ownership, and this process is the origin of the right of property. Some things did not enter into this division, as the air, the water which runs in the streams, and the sea and its shores, and great ponds, and wild animals, birds and fish. *Melin and Pothier*.

"There are things which belong to no one, and the use of which is common to all. Police regulations direct the manner in which they may be enjoyed. Hunting and fishing is also regulated by Special Laws."

Provisions of the Napoleon code, quoted and endorsed by the U. S. Supreme Court, 161 U. S. R., 526.

"This attribute of government to control the taking of wild animals was recognized and enforced by the common law of England, and was vested in the colonial governments. The power which the colonies thus possessed passed to the states, with the separation from the mother country, and remains in them to the present day." *Ibid.*

The state has jurisdiction to regulate and control the fisheries in the waters of the state, both tidal and interior waters. The right to fish in its waters is not a privilege of the citizens in the several states; granting to citizens of this state the right to fish for and take fish in a manner and for a purpose not given to citizens of another state is not unconstitutional. 84 Me., p. 444.

The Massachusetts Bay Colonial Ordinance of 1641, as amended in 1647, which is an early declaration of common rights and liberties, declared among other things as follows:

"And for great ponds lying in common, though within the bounds of some town, it shall be free for any man to fish and fowl there, and may pass and repass on foot through any man's property for that end, so that they trespass not upon any man's corn or meadow."

Massachusetts Colonial Ordinance 1641-1647 is the common law of the whole state. *Barrows v. McDermott*, 73 Me., 441.

A "great pond" is a pond containing more than 10 acres. *Auburn v. Water Power Co.*, 90 Me., 576. State owns them, 86 Me. 319.

One may go to great ponds on foot through unclosed woodlands, but may not cross tillage or mowing land. *Barrows v. McDermott*, 73 Me., 441.

"The wild game within a state belongs to the people in their collective, sovereign capacity. It is not the subject of private ownership except so far as the people may elect to make it so; and they may, if they see fit, absolutely prohibit the taking of it, or traffic or com-

merce in it, if it is deemed necessary for the protection or preservation of the public good. We take it to be the correct doctrine in this country that the ownership of wild animals, so far as they are capable of ownership, is in the state. So far as we are aware, it has never been judicially denied that the government under its police powers may make regulations for the preservation of game and fish, restricting their taking to certain seasons of the year. * * * The right to preserve game flows from the undoubted existence in the state of a police power to that end, which may be none the less efficiently called into play, because by so doing interstate commerce may be remotely effected." *Geer v. Connecticut*, 161 U. S. R., 519.

MOOSE.

Secs. 17 and 20. Cow and calf moose shall not be hunted, chased, caught, or killed at any time, under a penalty of not less than \$500.00 nor more than \$1,000.00, or imprisonment not exceeding four months.

Sec. 17. A calf moose is one "that is at least a year old and has at least two prongs or tines to his horns."

Secs. 17 and 20. Open season on bull moose is from October 15th to December 1st of each year. Close time on bull moose, in which it is unlawful to hunt them at all, is from December 1st to October 15th of each year. And no person in open season shall hunt, kill, or have in possession more than one bull moose, or parts thereof. Penalty not less than \$500.00 nor more than \$1,000.00, or not exceeding four months' imprisonment.

SIX YEARS CLOSE TIME ON CARIBOU.

Sec. 19. It is unlawful to hunt, chase, catch, kill or have in possession any caribou, or part thereof, before October 15, A. D. 1905. Penalty same as on moose.

(Note.) When firm had three caribou each partner held liable. *Allen vs. Leighton*, 87 Me., 206.

DEER.

Secs. 18-20-21. It is unlawful to hunt, kill, chase, catch or have in possession any deer, or part thereof, between December 15th and October 1st, and no person during open season shall kill or have in possession more than two deer, or parts thereof. Penalty \$40 and costs.

ONE DEER FOR FOOD PURPOSES IN SEPTEMBER.

Sec. 21. It is lawful from September 1st to October 1st of each year, to kill one deer, for food purposes only, to be consumed in the locality where taken, by the person taking the same, in either of the counties of Oxford, Franklin, Somerset, Piscataquis, Penobscot, Aroostook, Washington, and Hancock, under such rules and regulations as the commissioners shall from time to time establish, such person having first procured a license therefor, on payment of \$6 by a non-resident and \$4 by a resident of this State; but it is unlawful for a non-resident of the State to take a deer as provided in this section, or to enter upon the wild lands of the state, (wild lands mean lands in unorganized townships, Ed.), with intent to camp and kindle fires thereon while engaged in fishing or hunting, without being in charge of a registered guide, during the months of June, July, August, September, and October; provided that the provisions of this section relating to wild lands do not apply to any person who, while hunting or fishing, stops at any hunting or fishing camp, which is owned or under the control of any registered guide or registered camp owner. (Note.) A resident is not required to have a registered guide.

DEER IN CERTAIN COUNTIES.

Sec. 21. It is unlawful to hunt or kill any deer in either of the counties of York, Cumberland, Androscoggin, or Sagadahoc, for four years from October 1, 1899, and it is unlawful to hunt or kill any deer in the counties of Knox, Lincoln, and Waldo, except during the month of October of each year, or in Kennebec county

except during October and November of each year, and no person shall kill or have in possession during these respective open seasons more than two deer. Penalty \$40 and costs. (Deer cannot be killed for six years from October 2, 1899, on the Isle au Haut, in Knox county. P. & S. Laws, '99, ch. 75. Deer cannot be killed for two years from October 2, '99, on Cross island, in Cutler, or in either of the towns of Eden, Mt. Desert or Tremont. R. & R. of Commissioners.) (September 30, '99.)

(Note.) Possessor of game illegally taken or killed is as liable as if he had taken it himself. *State v. Bucknam*, 88 Me. 385.

Two deer may be taken in open season, notwithstanding one has been taken in September, under a license.

SUNDAY A CLOSE TIME.

Sec. 22. Sunday is a close time on which it is not lawful to hunt, kill or destroy game or birds of any kind.

(Note.) Sunday is not a close time on fishing, in the same sense as on hunting. The only law to prevent fishing on Sunday, during the open season, is the old Sunday law, so called, and is as follows: "Whoever on the Lord's day keeps open his shop * * * or place of business * * * travels or does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation * * * shall be punished by a fine not exceeding \$10." R. S., ch. 124, sec. 20.

This statute also provides "that a person conscientiously believing that the seventh day of the week ought to be observed as the Sabbath, and actually keeps Saturday as Sunday, is not liable to the above penalty if he does not disturb others by his work." (Note. But this will not give him the right to hunt game or birds or fish on Sunday, though he refrain from doing it on Saturday.)

USE OF DOGS.

Secs. 19-20-22. It is unlawful to use dogs in hunting moose, deer, or caribou at any time, or jack lights, artificial lights, snares or traps, and any person may at any time kill any dog found hunting or chasing a moose, or a deer, or a caribou, or any dog kept or used for that purpose. Penalty for the use of dogs, or keeping them to hunt game or allowing them to do so, \$100 and costs.

(Note.) The question often arises, is a person liable whose dog, of his own volition, leaves the house of his master and chases deer? Anybody can lawfully kill the dog, finding him under these circumstances. The owner or keeper would not be liable if he knew nothing about it, but if he was informed that his dog was in the habit of chasing this game, and does not confine him, and the dog, after his owner has this knowledge, again chases game, he would be liable. Owners of dogs should keep them within their immediate control, at their peril, the same as he does his horses, his cattle and his hogs. Dogs are not domestic animals. *State v. Harriman*, 75 Me., 562. One cannot be convicted for stealing under R. S., ch. 127, sec. 1. *State vs. Harri-*
man, 75 Me., 562.

TRANSPORTATION.

Sect. 23. No person or corporation shall carry or transport from place to place any moose, or deer, or part thereof, in close time, nor in open time unless open to view, tagged, and plainly labelled with the name and residence of the owner thereof, and accompanied by him, under a penalty of forty dollars and costs of prosecution for each moose or deer so transported or carried; and any person not the actual owner of such game or parts thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the penalties aforesaid; and it shall be prima facie evidence that said game, that is being transported or carried in violation of this section, was illegally killed; but nothing herein shall apply to the transportation of moose, or deer by any

person or corporation, when such game is lawfully tagged in accordance with the provisions of section 26 of this chapter. Whoever lawfully kills a bull moose shall, while the same, or any part thereof, is being transported, preserve and transport it, with the evidence on the moose of the sex of the same. Whoever fails to comply with the provisions of this section shall forfeit to the State the moose or part thereof being transported, and pay a fine of three hundred dollars and costs of prosecution.

Sect. 24. All birds, fish, and game hunted, caught, killed, destroyed, bought, carried, transported, or found in possession of any person or corporation, in violation of the provisions of this chapter and amendments thereto, shall be liable to seizure; and in case of conviction for such violation, such game shall be forfeited to the State, to be sold for consumption in this State only. Any person whose game or fish has been seized for violation of any game or fish law, shall have it returned to him on giving to the officer a bond with sufficient sureties, residents of the State, in double the amount of the fine for such violation, on condition that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to give such bond and take the game or fish so seized, he shall have no action against the officer for such seizure, or for the loss of the game or fish seized.

SHALL NOT GIVE AWAY GAME OR BIRDS.

Sect. 25. No resident of this State shall sell or give away any moose or deer or part thereof, or any game birds, to be transported or carried beyond the limits of this State, under a penalty of one hundred dollars for each and every moose, deer, or part thereof, and one dollar for every game bird so sold or given away; and any person who shall buy any of the above named animals or birds or parts thereof, to so transport them, or who shall transport them after buying the same, or receiving the same as a gift, shall be subject to the same penalty.

MAY TRANSPORT MOOSE, DEER, GAME, BIRDS AND FISH
ON PAYMENT OF A FEE.

Sect. 26. Any person who has lawfully killed a moose (or a deer, except in September as heretofore provided), or who has lawfully in his possession one trout, one togue, one land-locked salmon, or one white perch, or ten pounds of either kind of these fish, or one pair of game birds, may send the same to his home or to any hospital in the State, without accompanying the same, by purchasing of the duly constituted agent therefor a tag, paying for a moose five dollars, for a deer two dollars, for a trout, togue, or land-locked salmon, one dollar for each, or one dollar for each ten pounds of the same, and fifty cents for one white perch or ten pounds of the same, and fifty cents for a pair of game birds. The commissioners of inland fisheries and game may appoint agents in convenient localities who may sell these tags, under such rules and regulations as the commissioners may adopt.

(NOTE.—A person who has lawfully killed a bull moose, or a deer, may sell them, but not to be transported out of the State. He may take them to his home wherever he lives, by going with them, and having them properly tagged, or he may buy a license and ship them to his home without going with them. He may take a moose or two deer that he has killed out of the State, or he may cut them up and peddle them out, without a license.)

Sect. 22. Whoever has in his possession more than one bull moose, or more than two deer, in their respective open seasons, or any part of these animals in close season, shall be deemed to have killed or destroyed them unlawfully, and be subject to the penalties provided for killing them unlawfully.

(NOTE.—This does not apply, however, so far as deer are concerned, to those who are licensed to retail deer, or to licensed camp owners, who have deer in possession in accordance with the terms of their license, and a fairly reasonable time is permitted to get game out

of the woods, and transport it, that was lawfully killed near the close of the open season.

One who lawfully obtains the ownership of game in open time is not criminally liable for having the same in possession in close time afterwards. 88 Me. 385; 76-80; 82-173; 75-289. But having it thus in possession is evidence of its illegal capture. 88 Me. 385.)

GAME BIRDS.

Sect. 11. The close time on partridge and woodcock is from December 1st to September 15th, and the open time is from September 15th to December 1st.

On wood duck, dusky duck, commonly called black duck, teal and gray duck, the open time is from the first day of September to the first day of May, and the close time is from the first day of May to the first day of September.

The close time on quail is from December first to October first. The close time on plover and snipe is from May first to August first. Penalty not less than \$5.00 nor more than \$10.00 for each bird unlawfully killed, or had in possession in close time.

No person can lawfully kill or have in possession more than 15 of each variety in one day, except plover and snipe. No person shall be allowed to sell any partridge, or have them in possession except for his own consumption within this State, under a penalty of five dollars for each bird. No person or corporation shall carry or transport more than fifteen of any one variety of the birds above named, at any one time, as the property of one person. When being transported they must be tagged with owner's name and accompanied by him, but partridge cannot be carried out of the State. Any person to aid another in illegal transportation of these birds, who falsely represents himself to be the owner, is subject to a like penalty. (Public Laws, ch. 116. Perpetual close time on tern. Penalty not less than \$1.00 nor more than \$10.00.)

(NOTE.—See section 26 as to transporting one pair of game birds. It will be observed that the law prohibits

the sale of partridge, under any circumstances, or their being taken out of the State, and when being transported in the State all birds must be plainly labelled with owner's name and address and accompanied by him.

Sect. 12. Capercailzie, or cock of the woods, cannot be killed at any time, or the black game, or any specie of the pheasant, except partridge. Penalty \$50.00. Larks, robins, swallows, sparrows, woodpeckers, orioles, or other insectivorous birds, their nests, eggs or young, (crows, English sparrows, and hawks excepted), cannot be taken or killed at any time. Penalty not less than \$1.00 nor more than \$5.00. Possession of any such bird is prima facie evidence that the person having them in possession unlawfully killed them, and none of these birds can be transported or carried.

Sects. 12-13. It is unlawful to take any wild duck, of any variety, quail, ruffed grouse, or partridge, woodcock, or any bird, except by the usual method of sport with firearms. Penalty \$5.00 for each bird. It is unlawful to kill in any manner any wild duck of any variety on the Kennebec river or on the shores thereof, south of Gardiner and Randolph bridge, or on Merry-meeting bay, or the shores thereof, between sunset and daylight of the following morning; it is unlawful to hunt, kill, or destroy any wild duck, at any time, with the aid of jack lights, or any artificial light. Penalty \$50.00.

Having firearms in possession in the vicinity of the duck grounds in Merry-meeting bay, or on the Kennebec river south of the Randolph and Gardiner bridge, in the night time, is prima facie evidence that the person having them is hunting ducks contrary to law.

DOVES.

It is held in all the authorities that doves are *ferae naturae*, and as such are not subject of larceny, except when in the care and custody of the owner; as when in a dovecote or pigeon house, or when in the nest, before they are able to fly. If, when thus under the care of

the owner, they are taken furtively, it is larceny, 2 Pickering, 15, 89 Me. 86.

Perhaps when feeding on the grounds of the proprietor, or resting on his barn, or other buildings, if killed by a stranger, the owner may have trespass, and if the purpose be to consume them as food, and they are killed or caught or carried away from the inclosure of the owner, the act would be larceny. 89 Me. 87.

LAND-LOCKED SALMON, TROUT, TOGUE, WHITE PERCH, BLACK BASS, PICKEREL, &c.

Sects. 10-38. In waters where it is unlawful to fish at any time, the commissioners may grant permits to take eels, suckers, cusk, pickerel, and white fish, and dispose of them for food purposes, under such rules and regulations, and on such terms, as they deem reasonable. All such permits shall expire with the calendar year.

COMMISSIONERS MAY DESTROY MINK.

They may cause destruction of mink around any fish hatchery.

General Close Time on Land-Locked Salmon, etc.

Sect. 5. The general close time on land-locked salmon, trout and togue is from October first until the ice is out of a lake or pond the following spring, except in Oxford and Franklin counties; in these counties the close time is from October first to May first; and in Kennebec county and on the St. Croix river and its tributaries, close time is from September fifteenth until the ice is out of the lake or pond fished in the following spring.

The close time on white perch is from the first day of April to the first day of July. But a person lawfully trolling for trout, land-locked salmon or togue, who in good faith accidentally catches a white perch may keep it.

There is no close time on black bass, pickerel, horn-pouts, suckers, chubs, eels, yellow perch, cusk, or white fish.

R. & R. of Commissioners, September 30, 1899. "There shall be an annual close time on Cathance lake, in Cooper, Washington county, in which it shall be unlawful to fish for, take, catch or kill any fish from September first to May first of the following year. Also in Blunts pond, so called, in Lamoine, Hancock county, from October first to May first of the following year."

ICE FISHING.

Sect. 5. Inhabitants of the State are allowed to fish for land-locked salmon, trout and togue, through the ice in the day time, during February, March and April, with not more than five set lines, while under their immediate personal control, and take 20 pounds for one family in one day, and take them home for their own consumption.

IT IS UNLAWFUL TO FISH THROUGH THE ICE IN THE FOLLOWING NAMED PONDS AND LAKES.

EXCEPTIONS.—But there are a great many exceptions to the general law, as follows: It is unlawful to fish through the ice at all, for any kind of fish, anywhere in Oxford, Franklin, Kennebec and Somerset counties, except that part of Moosehead lake in Somerset county, and Pickerel pond, in Flagstaff, Gilman pond, in Lexington, and Pierce pond, in said Somerset county.

It is unlawful, also, to fish for any kind of fish through the ice, in Allen's pond, in Greene, Lake Auburn, in Auburn, Brettuns pond, in Livermore, in ANDROSCOGGIN COUNTY.

It is unlawful, also, to fish through the ice in Sabbath Day pond, in New Gloucester, or Thomas pond, in Raymond and Casco, in CUMBERLAND COUNTY.

It is unlawful, also, to fish through the ice in Noyes pond, or Green lake, or Eagle lake, Bubble pond, or Turtle lake, on Mt. Desert Island, or Crocker pond, in Township 32, Middle Division, or Jordan pond, or Long

pond, or Pickerel pond, in Township 32, Middle Division, in HANCOCK COUNTY.

It is unlawful, also, to fish through the ice in Crystal lake, in Washington, in KNOX COUNTY.

It is unlawful, also, to fish through the ice in Lake Hebron, or Hebron pond, or Twin Doughty pond, in Monson, or Ship pond and Bear pond, in Elliottsville, or Garland pond, in Foxcroft and Sebec, or Lower Wilson pond, in Greenville, or Grindstone pond, in Willimantic, or Horseshoe pond, or Indian pond, in PISCATAQUIS COUNTY, or Lake Onawa.

It is unlawful, also, to fish through the ice in Mesabesic pond, called Shaker pond, and its outlet as far down the stream as the Mill dam of Littlefield Brothers, or in Middle Branch pond, in Alfred and Waterboro, or Littlefield's pond, in Sanford, in YORK COUNTY.

It is unlawful, also, to fish through the ice in Lambert lake, in WASHINGTON COUNTY; or in Dyers pond, in Jefferson, in LINCOLN COUNTY; or in Dexter pond, in Dexter, in PENOBSCOT COUNTY.

IT IS UNLAWFUL TO FISH FOR ANY KIND OF FISH AT ANY TIME IN ANY OF THE FOLLOWING NAMED STREAMS, BROOKS AND RIVERS.

It is also unlawful to fish at any time, for any kind of fish in any of the tributaries of Lake Auburn, or in Townsend brook, north of the road leading from the Turner road to North Auburn village, or in Townsend brook within 100 feet of the culvert at the mouth, during September of each year, or in any of the tributaries of Taylor pond, in the city of Auburn, or in any of the tributaries to Brettuns pond, in Livermore, or in Three brooks, in Wales, Leeds and Greene, or in East and West branches of Dead river, in Leeds, Greene, and Wales, or in Dead river, in Greene, from the point where the Three brooks empty into said Dead river up to the bridge or in Upper and Lower Smelt brooks, on west side of Sebattus pond, in Greene, or in Sebattus river, in Webster, from outlet of Sebattus pond to the

second dam, or in the tributaries of Big Bear pond, situated partly in Turner, in ANDROSCOGGIN COUNTY.

It is also unlawful to fish at any time, for any kind of fish, in the inlet streams of Squaw Pan lake, from Thibadeau's landing to the source of the stream, or in any of the tributaries to Madawaska lake, in AROOSTOOK COUNTY.

It is also unlawful to fish at any time, for any kind of fish, in any of the tributaries to Sabbath Day pond, in New Gloucester, or in the tributaries to Sebago lake, except Crooked and North West rivers, or in the tributaries of Anonymous pond, in Harrison, or in Royal river, from the Sabbath Day pond to Jordan's dam, or in the tributaries to Thomas pond, in Raymond and Casco, or in Greely brook and its tributaries, in Oxford, Norway, and Otisfield, or in the tributaries to Hancock pond, in Sebago and Denmark, in CUMBERLAND COUNTY.

It is also unlawful to fish for any kind of fish, at any time, in any of the tributaries to Lake Webb, in Weld, except Alder brook, down as far as the mill dam at Hildreth's mills, or in any of the tributaries to Tufts and Duttons ponds, or the outlet of the same down to Reid's falls, and from Tufts pond to Alder stream, or in any of the tributaries to Rangeley lake, or in the tributaries to Ross pond, or in Rangeley stream, from the lower wharf, at the outlet of Rangeley lake, down to the dead water at the upper end of the eddy, or from the upper end of the eddy to the mouth of Kennebago stream, from July first to May first, or in Kennebago stream between the foot of the falls near its mouth to the upper falls at the outlet of the lake, between July first and May first, or in Cupsuptic stream, tributary to Cupsuptic lake, above the first falls near its mouth between July first and May first, or in South Bog stream up to the first quick water, from July first to May first, or in the stream connecting Long pond and Rangeley lake from July first to May first, or in Bemis stream, tributary to Mooselucmaguntic lake, at any time, or in Whetstone brook, which flows into Kennebago stream, from the foot of the boulders, so called.

in said stream, to the foot of the falls at the outlet of Kennebago lake, at any time, or in Metalluc and Mill brooks, which flow into the Upper Richardson lake, or the tributaries to Wilton pond, in the town of Wilton, at any time, or in the tributaries of Varnum and North ponds in the towns of Temple and Wilton, or in any of the tributaries to Clearwater pond, in the towns of Farmington and Industry, or in the tributaries of Long pond and Sandy river pond, lying wholly or in part in Sandy River plantation, or in Lufkin pond, or its tributaries, in the town of Phillips, at any time, or in the tributaries to Four ponds, in Townships E and D, or in the tributaries to Tim and Mud ponds, in Township 2, range 4, W. B. K., or in Webb's river, above Goodwin Brothers' mill dam in Carthage, or in all the waters of Carrabasset river, and their tributaries, above or northerly or westerly of the bridges across said Carrabasset river, and its branches or tributaries, or in Redington and Houston brooks, so called, in the townships of Crockertown, Mt. Abraham and Jerusalem, or in the tributaries of Gilman pond, in New Portland and Lexington, or in the tributaries of Sandy stream, in Carrying place, Highland and Lexington, or in the stream connecting Dodge and Round ponds, or in the stream between Round pond and Hunter cove, in Rangeley, in FRANKLIN COUNTY.

It is also unlawful to fish for any kind of fish, at any time, in any of the tributaries to Noyes pond, in Bluehill, or in the tributaries to Green lake, in the towns of Dedham and Ellsworth, or in the tributaries to Eagle lake, in the town of Eden, or in the tributaries to Bubble pond, sometimes called Turtle lake, on the island of Mt. Desert, or in the tributaries to Jordan pond and Long pond, or in the tributaries of Branch pond, sometimes called Nicolin lake, in the city of Ellsworth, flowing into said pond or lake on the southwesterly side thereof, including Wickempauw and Rocky pond brooks and their tributaries, said streams being situated partly in Ellsworth, Orland and Dedham, or in the outlet of Nicauous lake, as far down as the head of Nicauous

falls, or in said Nicatous lake for 100 feet up the lake from the dam, and in all of the tributaries of said lake except Gassabeas stream, or in the tributaries of Phillips lake, in Dedham, in HANCOCK COUNTY.

It is also unlawful to fish at any time, for any kind of fish, in any of the tributaries to any of the lakes or ponds lying wholly or in part in the towns of Winthrop, Monmouth, Litchfield, Manchester and Wayne, or in the tributaries to Three Mile pond, partly in China, or in any of the tributaries to McGraw, Ellis, East, North, Great, Long, Little and Snow ponds, in the county of KENNEBEC or SOMERSET.

Or in any of the tributaries to Dyers pond, in Jefferson, in LINCOLN COUNTY.

It is also unlawful to fish for any kind of fish, at any time, in any of the tributaries to Anasagunticook lake, or Whitney pond, in Canton and Hartford, or in the tributaries to Little Bear pond, in Hartford and Turner, or in the tributaries to Howard's pond, in Hanover, or in Megalloway river or its tributaries between the mouth of Little Megalloway river and the Berlin Mill Company's dam, or in the tributaries to lakes Pennessseewassee and Little Pennessseewassee, or in the tributaries to Roxbury pond or Garland pond, or in Rapid river from the Swing bridge, at the Oxford Club House, to Lake Umbagog, or in the tributaries to Songo pond in Albany, Sand and Pickerel pond in Denmark, Upper Kezar pond in Stoneham and Lovell, in OXFORD COUNTY.

It is also unlawful to fish at any time for any kind of fish in any of the tributaries to Lake Hebron, or the tributaries to Twin Doughty pond in Monson, or the tributaries to Ship pond and Bear pond in Elliottsville, or in the brook that is the outlet of Garland pond in Sebec, or in the tributaries to Lake Onawa, or in the tributaries to Sebec lake, or the tributaries to Moosehead lake, except Moose river, (the mouths of these tributaries have been established by monuments by the commissioners), or in any of the streams flowing into

Ship pond stream in Willimantic and Bowerbank plantation in PISCATAQUIS COUNTY.

It is also unlawful to fish at any time for any kind of fish in any of the tributaries to Dexter pond, in PENOBSCOT COUNTY.

It is also unlawful to fish for any kind of fish at any time in Parlin or Lang streams, or in their tributaries, or in the tributaries to Parlin or Lang pond, or in the tributaries to Lake George, or in Basset brook and its tributaries in Holden, or in Beaver brook, in Holden, or in the brooks forming the outlet of Fish pond and Little Fish pond and of Little Gulf stream and Big Gulf stream, or in Wood stream, above its entrance into Big Wood pond, or in the tributaries to Rowell pond in Solon, and Smith pond in Cornville, or in the tributaries of Hayden lake, in Madison, or in Mosquito stream, so called, connecting Mosquito pond with Moxie pond, or in the tributaries of Great Embden pond, or Moose pond in Hartland and Harmony, or in West outlet of Moosehead lake, or in so much of Tuttle brook in Athens as lies between its junction with Corson stream, so called, and the northerly line of the Poor Farm where it crosses Tuttle brook, in SOMERSET COUNTY.

It is also unlawful to fish for any kind of fish at any time in any of the tributaries to Canaan lake or the tributaries to Lermond's or Alford's ponds, or in the tributaries to Norton pond, and Crystal lake, in KNOX COUNTY.

It is also unlawful to fish for any kind of fish at any time in any of the tributaries to lakes Narraguagus and Lambert in WASHINGTON COUNTY.

It is also unlawful to fish for any kind of fish at any time in any of the tributaries of Bonny Beg pond, in Sanford and North Berwick, YORK COUNTY.

(NOTE.—What are the tributaries to a lake or pond? One lake or pond is not a tributary to another lake or pond, within the meaning of the law. "Tributary," taken in its ordinary meaning, means "paying tribute to"—"serving to increase"—in geography, "a stream which

contributes to another body of water,"—"a branch or affluent,"—from which it follows that the tributaries to a lake or pond are all of its contributory streams, but not another lake or pond.)

SPECIAL REGULATIONS AS TO THE MANNER OF FISHING
AND NUMBER OF FISH, OR NUMBER OF POUNDS OF FISH
THAT MAY BE TAKEN IN ONE DAY, IN CERTAIN
PONDS, LAKES AND STREAMS.

It shall be unlawful under the same penalty to fish for, catch, or kill any fish in *Quimby pond* in the town of *Rangley*, except in the ordinary way of angling with rod and artificial flies, between sunrise and sunset of each day, from the fifteenth day of May to the first day of October; and no person shall take more than twelve fish in said pond in any one day, nor more than twenty-five fish in any one day in *Four ponds in Townships E and D*, or fish except with artificial flies, in *South Bog* stream and pool, so called, waters connected with *Rangley lake*, or in *Seven ponds*, so called, or take, catch, or kill more than twenty-five trout from *Tim and Mud ponds*, in Township 2, range 4, W. B. K. P., or from *Tufts and Dutton ponds* in the same township in any one day, or take from the waters of *Varnum* or *North pond* in the towns of Temple and Wilton, and *Clear-water pond* in the towns of Farmington and Industry, more than three trout, togue, and land-locked salmon in all, in any one day. It shall be unlawful to fish for or catch pickerel in *Three Mile pond in China*, Windsor, and Vassalboro, except on Saturdays of each week, for consumption in the family of the person taking such fish; or to take any black bass, pickerel, or any other fish from the *Lower Kezar pond* and its tributaries, in the county of Oxford, for the purpose of selling the same (but any person may take twenty pounds of fish in one day from said Lower Kezar pond, but shall not transport the same, except in possession of the owner); or to fish for, take, or catch any fish, from Ward's brook, Ward's pond, and Walker's pond, so called, in Oxford county, except between the first day of May

and August of each year, or to fish therein except with rod and single line and artificial flies; or to fish for, catch, or kill any fish in Ellis river and its tributaries, situated in Andover, Andover West, North Surplus, and Roxbury, in Townships C and D, in Oxford and Franklin counties, except on Tuesdays, Thursdays, and Saturdays, during the months of May, June, and July, and to the fifteenth day of August; or in Ship Pond stream above Buck's falls; or in Little Huston pond, in Katahdin Iron Works Township, except with artificial flies; or to fish for, take, catch, or kill any blue back trout in any of the waters of the State at any time; or to fish in Grassy pond in the towns of Hope and Rockport at any time within five years from the approval of this act.

BAIT FISH AND SMELTS.

Sect. 6. It shall be lawful, however, to take minnows and other bait fish commonly used for live bait for one's own use in fishing in any of the closed streams, and smelts may also be taken in these streams for consumption in one's own family, and to take bait fish in Dead river, in Greene, from Sebattus pond to where the East and West branches come together, during the months from May first to December first of each year.

It is unlawful to fish for any kind of fish on Sunday, from the second to the third dam on Sebattus river, in Webster.

It is also unlawful to fish for, catch or kill any kind of fish in Dodge and Round ponds, and in that part of Hunter cove above the bridge crossing the same, except by casting flies or trolling in the ordinary manner, the last named waters being in the town of Rangeley, and the fishing for, catching or killing any fish from the bridge crossing said Hunter cove at any time, except from the time the ice leaves Rangeley lake to June 1st of each year, is unlawful.

It is also unlawful for any person to catch more than five pickered in Lake Webb, in one day, in FRANKLIN COUNTY, or more than 15 trout and land-locked salmon

in all from Tufts, Dutton and Grindstone ponds, in one day.

It is also unlawful to fish between sunset and daylight from the fifteenth of August to the first day of October in the Pool below the upper dam at the outlet of Moose-lucmaguntic lake, in OXFORD COUNTY.

It is also unlawful for a person to take, catch or kill in one day, more than 40 trout in Butler pond, in Lexington and Kingfield, and in the tributaries of Gilman pond, in New Portland and Lexington, and the tributaries to Sandy stream, in Carrying Place, Highland and Lexington, in SOMERSET COUNTY.

Penalty for violation of any of the above provisions is not less than \$10.00 nor more than \$30.00, and \$1.00 additional for every fish caught.

PROHIBITED DEVICES IN FISHING.

Sects. 6-8. It is unlawful to use in fishing any fish spawn, grapnel, spear, trawl, weir, seine, trap, or set lines, (except when fishing through the ice, and then with not more than 5 set lines in the day time), or dynamite, or other explosive or any poisonous or stupefying substance, or with any device or in any other way than by the ordinary mode of angling with single baited hooks and lines, artificial flies, artificial minnows, spoon hooks and spinners. Penalty not less than \$10.00 nor more than \$30.00 and \$100.00 and two months' imprisonment for using dynamite or other explosives. When any of the prohibited implements or devices are found in use the person finding them may destroy them.

(NOTE.—It is lawful to use a dip or landing net to land your fish after you have caught it.)

TWENTY-FIVE POUNDS OF FISH.

Sect. 7. A person or corporation cannot transport more than 25 pounds of trout, land-locked salmon, togue and white perch in all at one time, as the property of one person, nor can they be transported except in the possession of the owner and accompanied by him, plainly labelled with his name and address.

Nor can any person in one day, catch, or have in possession, more than 25 pounds of all kinds of these fish; and all fish had in possession or being transported in violation of law is liable to seizure and shall be deemed to have been taken in violation of law. You may take or have one fish additional, no matter how much he weighs, when having less than 25 pounds. Penalty for violation of this section, \$50.00, and \$1.00 for each fish.

Sect. 26. A person may purchase a tag and send ten pounds or one fish home without accompanying it.

Sect. 9. Whoever introduces fish of any kind into any of the waters of the State by means of live fish or otherwise, except upon written permission of the commissioners of inland fisheries and game, shall forfeit not less than fifty dollars nor more than five hundred dollars. The having in possession of any jack light, spear, trawl, or net, other than a dip net, in any camp, lodge, or place of resort for hunters or fishermen, in the inland territory of the State, shall be prima facie evidence that the same are kept for unlawful use; and they may be seized by any officer authorized to enforce the inland fish and game laws. Whoever is convicted of having any of the above named implements in his possession unlawfully as aforesaid, shall be fined fifty dollars and costs of prosecution.

LENGTH OF FISH THAT MAY BE TAKEN.

Sect. 46. No land-locked salmon less than nine inches in length or trout less than five inches shall be caught. Penalty, \$5.00 and 50 cents for each fish. Whoever has short fish in their possession shall be deemed to have taken them illegally.

NETS.

Private and Special Laws, Ch. 191, 1899. Inhabitants of the State may use drift nets, the meshes of which shall not be less than 2½ inches, to catch salmon for their own consumption, from 6 P. M. on Thursday to 6 P. M. on Saturday of each week, from the Water Works dam at Bangor to the mouth of the Seboeis river

on East Branch of Penobscot, during open season, but not within 300 yards of any mill race or dam. If in the judgment of the commissioners, this privilege is abused or is detrimental, they may suspend its operation.

SPORTING CAMP PROPRIETORS, PROFESSIONAL HUNTERS, TAXIDERMISTS, DEALERS IN DEER SKINS, RETAIL DEALERS IN DEER MEAT, AND GUIDES MUST BE LICENSED.

Sect. 29. Every person who keeps a sporting camp, lodge, or place of resort, for inland fishing and hunting parties, must procure a license of the commissioners, annually. Fee, \$5.00. Penalty, \$100.00 and costs. They are authorized to purchase for consumption in these places, deer lawfully killed, but must keep a record of whom purchased, and the date when purchased, and report annually to the commissioners.

(NOTE.—It has been erroneously claimed that a person keeping a sporting camp or lodge in an organized township is not required to have a license. This is error. Every person who keeps a camp, lodge, or place resorted to by inland fishing or hunting parties is required to procure a license, but this does not apply to one's own private camp or lodge, but to those only who entertain fishermen or hunters for profit; a person having several outlying camps and but one home or main camp requires but one license.)

Sect. 29. Every person who engages in the business of hunting or trapping any of the fur bearing animals of the State, in any unorganized township or wild lands shall annually procure a license of the commissioners, and shall report when called upon by the commissioners. Fee, \$5.00. Penalty, \$100.00 and costs.

(NOTE.—This does not, as has been claimed, prevent the "small boy," or the "big boy," or anybody's boy, or anybody else, from hunting, trapping, or killing bears, foxes, muskrats, mink, or any other fur bearing animal in any organized township of the State.)

Sect. 14. The commissioners may license suitable persons as taxidermists. Fee, \$5.00. They may also

license suitable persons whose number shall not exceed 10 at any one time to kill, capture and have in possession any species of birds other than domestic, and the eggs and nests thereof for scientific purposes, but they cannot sell, or offer for sale, specimens so taken. Fee, \$5.00. Penalty, not less than \$10.00 nor more than \$50.00. This does not authorize the killing of any bird on Sunday.

Game, birds and fish may be sent to such licensed taxidermists, without the owner accompanying the same, by being tagged with a tag procured of the commissioners.

(NOTE. Tags or licenses to kill one deer in September for food purposes, to send fish, game or birds, without the owner going with them, under the provisions of sections 21 and 26, may be procured of the commissioners, or their duly authorized agents in the various fishing and hunting localities.)

MARKETMEN AND PROVISION DEALERS.

Sect. 27. Any marketman or provision dealer having an established place of business may be licensed to purchase and have in his place of business, and retail the same to his local customers, deer lawfully killed, but he cannot have more than three or parts thereof at any one time. Fee, \$5.00 annually in cities and towns of over 3,000 inhabitants and \$3.00 in all other places, or they may pay 50 cents for each deer retailed. On December fifteenth of each year shall make report to the commissioners under oath, of the name and residence of each person of whom they purchased deer, and the date of purchase. Penalty, \$100.00 and costs.

(NOTE.—Some marketmen in one or two localities are reported to be greatly incensed at this provision. There is unmistakably a growing sentiment throughout the country against any marketing of game or birds. Marketmen and provision dealers have a complete monopoly of it in Maine. Should they not therefore contribute something for the game interests? Being required to

keep a record of whom they make their purchases prohibits the pot or market hunter from supplying them.)

Sect. 28. The commissioners may license suitable persons to buy and sell or tan deer skins lawfully taken. Such licensed person shall keep a record of all deer skins purchased, of whom purchased and the date of purchase, and report to the commissioners annually. Fee, \$5.00. Penalty, \$100.00 and costs.

REGISTRATION OF GUIDES.

Sect. 30. Any person who engages in the business of guiding must be registered annually. Fee, \$1.00 for residents and \$20.00 for non-residents. They must apply either personally or in writing to the commissioners, and make a report when required. Penalty, \$50.00 and costs.

(NOTE.—What is it to *engage* in the *business* of *guiding*? These words, “engage,” “business,” and “guiding,” must be given their ordinary meaning obviously; “to engage” in anything, means to “procure or secure” for some special purpose, as to engage in business, trade, engage in a business or pursuit.

“Business” means a pursuit or occupation that employs or requires energy, time, thought, profession, calling, attention, application, accuracy, method, punctuality fidelity and dispatch are the principal qualities required for the efficient conduct of business.

“Guide, guided, guiding.” The meaning of the word “guiding” has come to be so well understood that no definition need here be given.)

Sect. 30. An official badge may be prepared for guides by the commissioners. For cause shown, after due notice and hearing, any license may be revoked, and the commissioners may refuse to issue a license to anyone who in their judgment is not suitable. If a guide is convicted of any violation of the inland fish and game laws, the commissioners are authorized to strike his name off the list.

Sect. 31. All licenses expire December 31st of each year, and all fees received for licenses are paid to the

State treasurer and expended for the benefit of the fish and game.

(NOTE.—Guides make a mistake that they do not adopt a badge.)

Sect. 16. There is a bounty paid by the State of \$5.00 for every wolf and \$2.00 for every wildcat killed in the State.

MINK, SABLE, MUSKRAT, FISHER AND BEAVER.

Sect. 15. Close time on mink, sable, muskrat and fisher is from May first to October fifteenth. Penalty for each animal destroyed in close time, \$10.00; except mink may be killed around fish hatcheries at any time, and muskrats in Lily pond, in Rockport and Camden, or wherever they injure any canal, ditch, lawful dam or cranberry bog.

Absolute close time all the time on beaver. Penalty, \$100.00.

WARDENS, THEIR APPOINTMENT AND DUTIES.

Sect. 47. Are appointed by the governor and council, on recommendation of the commissioners and hold office three years unless sooner removed. Must give bond in \$2,000 with two good sureties. Sheriffs, deputy sheriffs, police officers and constables are wardens. They may serve all processes pertaining to the collection of penalties and all criminal processes for violation of the fish and game laws. Sea and shore fish wardens can be appointed inland fish and game wardens without additional bond.

(NOTE.—Complaints have been made that some disreputable fellows have falsely assumed to be wardens. A warden can at any time show his authority; no others should be recognized as such.)

SEARCH AND SEIZURE OF GAME AND BIRDS.

Sect. 49. The commissioners and wardens are required to enforce all inland fish and game laws, and are authorized to seize any game or fish or game birds taken or held in violation of law, and have full power,

and it is their duty, with or without a warrant, to arrest any person whom they have reason to believe guilty of a violation thereof, and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, stores, warehouses, storehouses, outhouses, stables, barns and other places, and to examine all boxes, barrels, and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; provided, however, that a dwelling house actually occupied can be entered for examination, only in pursuance of a warrant, or to make an arrest.

PENALTIES—HOW RECOVERED AND DEFINITIONS.

Sect. 50. Any officer authorized to enforce the inland fish and game laws may recover the penalties for the violation thereof in an action on the case in his own name, the venue to be as in other civil actions, or by complaint or indictment in the name of the State; and such prosecution may be commenced in the county in which the offence was committed, or in any adjoining county, and the plaintiff prevailing shall recover full costs without regard to the amount recovered. The term "game birds" as used in this act shall be construed to mean the ruffed grouse, or partridge, all species of the pheasant, woodcock, snipe, plover, quail, and all ducks enumerated in this act; and the term "game animals" shall be construed to mean moose, caribou, and deer.

OFFICERS MAY ARREST WITHOUT WARRANT.

Sect. 51. Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of any of said laws, and shall with reasonable diligence, cause him to be taken before any trial justice or any municipal or police court, in the county where the offence was committed, or in any adjoining county, for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the

offence had been committed in that county; and any officer who shall maliciously, or without probable cause, abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars, or imprisonment not exceeding three months.

JURISDICTION OF COURTS.

Sect. 52. In all prosecutions under this chapter and the amendments and additions thereto, municipal and police judges and trial justices within their counties have, by complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.

DISPOSITION OF FINES AND PENALTIES.

Sect. 53. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, and shall neglect for more than thirty days to pay the same into the State treasury, shall be punished by a fine of not less than fifty, nor more than one hundred dollars; all fines and penalties recovered, or money paid, under any of the provisions of this chapter and the amendments and additions thereto, shall by the person receiving the same, be paid forthwith to the treasurer of the State, after deducting legal taxable costs; and such money so received by said treasurer shall be expended by the commissioners of inland fisheries and game for the protection of the fish and game of the State.

SERVICE ON CORPORATIONS, HOW MADE.

Sect. 54. In case of a violation of any of the provisions of this chapter by a corporation, the warrant of arrest may be served by an attested copy served on the president, secretary, or manager in this State, or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employe from prosecution.

PENALTY FOR DISHONEST LICENSEE.

Sect. 55. If the holder of any license, certificate, or permit, issued in conformity with any of the provisions of this chapter, shall persistently or flagrantly and knowingly violate or countenance the violation of any of the provisions of this chapter, such license, certificate, or permit may be revoked by the commissioners, after due notice given of the alleged violation, and an opportunity afforded to appear and show cause against the same.

DUTY OF COUNTY ATTORNEYS.

Sect. 56. It shall be the duty of each county attorney to prosecute all violations of this chapter occurring within his county, when such cases may come to his knowledge, or when he may be so requested by the commissioners or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioners. In any prosecution under this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioners, or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation. It shall be the duty of every justice of the peace and clerk of the court before whom any prosecution under this act is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fines collected, if any, and the disposition thereof to the commissioners, at Augusta. In all cases, the officer making the seizure or sale of fish, game, or birds, shall within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses, and fees, and the disposition thereof to the commissioners, at Augusta. Every warden shall, in the month of December of each year, and at such other times as the commissioners may require, report to the commissioners all violations of, and prose-

cutions under this act, occurring in his district, together with such further information as the commissioners may require. The failure of any person or officer to perform any act, duty, or obligation enjoined upon him by this act, shall be deemed a violation thereof.

COMMISSIONERS OF INLAND FISHERIES AND GAME—
THEIR APPOINTMENT, POWERS AND DUTIES.

Sec. 32. There are three of them, one of whom shall be the land agent. They are appointed by the governor, and hold office for three years and until their successors are appointed and qualified, except the land agent, whose term of office remains as long as he is land agent. They shall receive \$1,000 annually and actual travelling expenses, to be audited by the governor and council, except the land agent, who receives \$200 in addition to his salary as land agent, and actual travelling expenses. They shall be provided with an office in the State capitol, with suitable furniture, stationery, and other facilities for the transaction of the business of the department, and they may appoint a clerk at a salary not exceeding five hundred dollars per annum.

Sec. 33. They must examine dams and other obstructions in all rivers and streams, and determine the necessity of fishways, and the location, form and capacity thereof; and shall introduce and disseminate valuable species of food fish into the inland waters of the State, and valuable food birds into the State. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They shall annually on or before the 31st day of December, report to the governor.

Sec. 34. They have authority with or without a petition, after notice and public hearing, in the locality to be affected, to "regulate the times and places in which and the circumstances under which game and inland fish may be taken," for a period not exceeding four years. They may entirely prohibit the taking of

the same in any locality for the same length of time. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the State, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the State, in conformity with the provisions of the last two preceding sections. They shall file, in the office of the clerks of the cities, towns, and plantations in the territory to be affected, a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county, and post on the banks of waters to be affected, as nearby as may be like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county and published three weeks successively in a newspaper printed in the county; they shall also immediately upon the adoption of any rules and regulations contemplated by this act, file an attested copy of the same in the office of the secretary of State.

Secs. 35-36. Penalty for taking fish or game in violation of the rules and regulations of the commissioners is the same as taking them in violation of the statutory law.

Sec. 37. These rules and regulations must be posted, in the locality to be affected, by the commissioners, and the penalty is \$50 for anyone who shall destroy them,—one-half to the prosecutor.

Sec. 38. They may take fish and game when and where and in such manner as they choose for the purposes of science, cultivation and dissemination, and may grant permits to other persons for the same purpose. They may introduce any kind of fish into any waters, or permit the same to be done. They have authority to grant permits to take moose, caribou, deer, and birds for park purposes in this State, under such rules and regulations as they shall establish. They may, upon petition of 10 taxpayers, adopt rules and regulations to prevent the destruction of spawning beds of fish. Pen-

alty for violation of these rules and regulations \$50. They may screen the outlet of any pond or lake, or authorize it to be done, under such conditions as may seem to them just.

FISHWAYS.

Sect. 39. The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, alewives, or land-locked salmon, shall provide the same with a durable and efficient fishway, of such form and capacity, and in such location as may, after notice in writing to one or more of said owners or occupants and a hearing thereon, be determined by the commissioners of inland fisheries and game by written notice to some owner or occupant specifying the location, form, and capacity of the required fishway, and the time within which it shall be built; and said owner or occupant shall keep said fishway in repair, and open and free from obstruction for the passage of fish, during such times as are prescribed by law; provided, however, that in case of disagreement between said commissioners and the owner or occupant of any dam, as to the propriety and safety of the plan submitted to the owner or occupant of such dam for the location and construction of the fishway, such owner or occupant may appeal to the county commissioners of the county where the dam is located, within twenty days after notice of the determination, to the commissioners of inland fisheries and game by giving to the latter named commissioners notice in writing of such appeal within that time, stating therein the reasons therefor; and at the request of the appellant or the commissioners of inland fisheries and game the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties and give due notice thereof, and after such hearing they shall decide the question submitted, and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If the requirements of the commissioners of inland fisheries and game are affirmed,

the appellants shall be liable for the costs arising after the appeal, otherwise they shall be paid by the county. If a fishway thus required is not completed to the satisfaction of the commissioners of inland fisheries and game within the time specified, every owner or occupant shall forfeit not more than one hundred nor less than twenty dollars for every day of such neglect between the first days of May and November. On the completion of a fishway to the satisfaction of the commissioners of inland fisheries and game, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy of such writing shall be served on the owner or occupant of the dam. The commissioners of inland fisheries and game may change the time as they see fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. The penalty for neglecting to comply with this section, or with any regulations made in accordance herewith, is not less than twenty nor more than one hundred dollars for every day of such neglect.

Sect. 40. Whenever the commissioners of inland fisheries and game find a fishway out of repair or needing alterations, they may, as in the case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases and the penalty for neglect shall be as provided in the three preceding sections, without appeal. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway, in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway, the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses. If the owner or occupant of such dam resides out of the State, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial

court in the county where it is located, in the name of the commissioners of inland fisheries and game or of any fish wardens who shall give to such owner or occupant, and all persons interested therein, such notice as the court or any justice thereof in vacation, orders, and the court may render judgment therein, against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection and maintenance or repair of said fishway. The commissioners of inland fisheries and game may delegate to any fish warden or other lawful officer of fisheries any of the powers given to said commissioners in relation to the construction of fishways.

Sect. 41. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners; that is to say, Royall river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damariscotta mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin, and Sullivan, Pleasant river in Washington county, East Machias river, and the Eastern Penobscot river in Orland. Little river in Perry shall be exempt from all the foregoing provisions that relate to maintaining fishways in said river, except during April, May and June.

Sect. 42. For the purposes of this chapter, the term "salmon" means the common migratory salmon of the sea coast and rivers; the term "land-locked salmon" means any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same locally known as "salmon trout" and "black spotted trout;" the term "alewife" means the small species of migratory fish called "alewife" but known also by the local names of "herring" and "gaspereau," and also includes the similar species found in tidal waters and known as "blue-back;" and the term "bass" means the striped bass of tidal waters.

"Trout" means fresh water fish, and not Labrador trout. 87 Me., 498.

Sect. 43. The provisions of this chapter so far as they relate to fish apply to the taking of the same in all fresh waters above the flow of the tide and in all tidal waters frequented by the various species of fresh water and migratory fishes, except to the capture of shad and alewives in Denny's river and its tributaries, Pemmaquam river and its tributaries, and the Schoodic lakes and their tributaries, and to the taking of white fish in the Schoodic lakes on the St. Croix river and their tributaries, by citizens of the State with set nets, during the months of May and November, and conveying them to their own homes, but not otherwise. This chapter does not apply to fish taken in the weirs on St. Croix river, and does not repeal the laws relating to the St. Croix, Denny's, Pemmaquam, Cobscook, East Machias, and Narraguagus rivers; nor does it apply to the taking of blue-back trout; except that no person shall fish for, catch, take, kill, or destroy the same, with net, seine, weir, or trap, under a penalty of five dollars for the attempt, and one dollar for each blue-back trout so taken, caught, killed, or destroyed, to be recovered by complaint.

ARTIFICIAL CULTURE OF FISH BY PRIVATE PERSONS.

Sect. 44. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes; provided that he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials, in places where the same have a right to pass. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for cultivation and propagation; but he shall not sell them for food at seasons when the taking thereof is prohibited, under a penalty of not less

than ten nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold. Any person engaged in the artificial propagation of trout, or fresh and salt water salmon, when the parent fish are taken from the public waters in the State, shall retain not less than twenty-five per cent of all eggs taken from said parent fish, and shall cause the same to be properly cared for and hatched, and, when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent fish to be returned to safe locations in such waters, under a penalty of not less than fifty nor more than five hundred dollars for each offence. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who may affix such conditions to their permits as they see fit, requiring in no case, however, less than twenty-five per cent of the young fish to be returned, as provided in this section.

Sect. 45. No person without permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained by written permission of the fish commissioners, under a penalty of not less than ten nor more than one hundred dollars, besides two dollars for each fish so taken or killed; and, in default of payment, such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

PROTECTION OF FORESTS.

FIRE.

1885, c. 337, § 15. Whoever kindles a fire on land not his own, without consent of the owner, forfeits ten dollars; if such fire spreads and damages the property of others, he forfeits not less than ten nor more than five hundred dollars, and in either case he shall stand committed until fine and costs are paid, or he shall be imprisoned not more than three years.

FISH AND GAME WARDENS, FIRE WARDENS.

1891, c. 108. Fish and game wardens are hereby made State fire wardens, and it shall be their duty while in and about the woods, to caution all sportsmen of the danger from fires in the woods, and to extinguish all fires left burning by any one, if within their power; and to give notice to any and all parties interested when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

1891, c. 100, § 3. The selectmen of towns shall be, ex-officio, forest fire wardens therein and shall divide said towns into three districts, bounded as far as may be by roads, streams of water, or lot lines, and assign to each of their number the charge and oversight of one district as district fire wardens therein. A description of each district and the name of the fire warden thereof shall be recorded with the town clerk. The services of such selectmen acting as said fire wardens, shall be paid for at the same rate as is paid for their official services. It shall be the duty of the fire warden of the district in which a fire is discovered to take such measures as may be necessary for its control or extinction. For this purpose he shall have authority to call upon any persons in the territory in which he acts for assistance,

and such person shall receive such compensation not exceeding fifteen cents per hour as said selectmen may determine, the same to be paid by the town. But no town shall be holden to pay for extinguishing forest fires in any year an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist, and not excused from said service by said forest fire warden on account of sickness, disability or some important business or engagement, shall neglect to comply with any such order he shall forfeit the sum of ten dollars, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

Sect. 4. County commissioners of each county in which there are unorganized places shall annually appoint, such number of fire wardens as they deem necessary not exceeding ten, for all such unorganized places in any county, whose duties and powers shall be the same with respect to such unorganized places as those of the fire wardens of towns, and they shall also have the same authority to call out citizens of the county to aid them in extinguishing fires, that town fire wardens have to call out citizens of the town. The compensation of such fire wardens shall be paid by the county, and the compensation of persons called upon by them as aforesaid, to render aid, shall be the same as that provided in the case of towns and shall be paid one-half by the county and one-half by the owners of the lands on which said fires occur.

Sect. 5. Any person who shall build a camp or cooking fire in or adjoining any woods in this State, shall, before leaving such camp, totally extinguish such fire, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month or by both such fine and imprisonment, provided, that such fires built upon the sea beach in such situation that they can not spread

into forest wood or cultivated lands or meadows, shall not be construed as prohibited by this act.

Sect. 8. It shall be the duty of municipal officers in towns, and county commissioners, the latter with respect to unorganized places, to proceed immediately to a strict inquiry into the cause and origin of fires, within wood lands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.

Sect. 9. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, and the county commissioners where a forest fire of more than two acres has occurred in any of the unincorporated places in any county, within a year, shall report to the forest commissioner the extent of area burned over, to the best of their information, together with the probable amount of property destroyed, specifying the value of timber as near as may be, and amount of cord wood, logs, bark or other forest product, fencing, bridges and buildings that have been burned. They shall also report the cause of these fires if they can be ascertained and the measures employed and found most effective in checking their progress. Blanks for the reports required in this act shall be furnished by said forest commissioner at the expense of the State.

Sect. 10. Every railroad company whose road passes through waste or forest lands, shall during each year cut and burn off or remove from its right of way all grass, brush or other inflammable material, but under proper care and at times when fires are not liable to spread beyond control.

Sect. 11. All locomotives which shall be run through forest lands, shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks.

Sect. 12. No railroad company shall permit its employes to deposit fire, live coals or ashes, upon their track in the immediate vicinity of wood lands or land liable to be overrun by fires, and where engineers,

conductors or train men discover that fences along the right of way or wood lands adjacent to the railroads, are burning or in danger from fires, it shall be their duty to report the same at their next stopping place which shall be a telegraph station

Sect. 13. For all damages caused to forest growth by any person employed in the construction of any railroad hereafter to be built in this State, the company owning such road shall be primarily liable to the person or persons so damaged. During the construction of such roads through wood land, there shall be kept posted in conspicuous places on each line of the road ways at distances of two hundred feet, abstracts of the laws relating to forest fires. Any person employed in the construction of such railroads, who shall set or cause to be set any fire along the line of said roads, shall, before leaving the same, totally extinguish said fires, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment. It shall be the duty of all persons having charge of men in the construction of such railroads, to see that the provisions of this section are carefully complied with, and any negligence or want of ordinary care on their part in relation to the same shall constitute a misdemeanor, and upon conviction thereof, they shall be liable to the penalties imposed by this section.

Sect. 14. Any railroad company violating the requirement of this act, shall be liable to a fine of one hundred dollars for each offense.

APPENDIX.

CERTIFICATE FOR BOUNTY ON WOLF OR WILD-CAT KILLED.

Claimant's certificate.

To the treasurer of _____. I hereby certify that on the ____ day of _____ A. D. 18—, at _____, in the state of Maine, I killed the _____ the skin of which I now exhibit to you; and I claim the bounty allowed by law for killing the same.

Dated at _____, this _____ day of _____ A. D. 18—.

_____ Claimant.

Subscribed and sworn to before me the day and year aforesaid.

_____ Treasurer of _____

Claimant's receipt.

On this _____ day of _____ A. D. 18—, I received of _____ treasurer of _____, _____ dollars, being the bounty allowed by law for killing the _____ described in the above certificate.

_____ Claimant.

Treasurer's certificate.

I hereby certify that as required by law, I first cut off the whole of the ears and nose from the skin of the _____ described in the foregoing certificate and destroyed the same by burning, and then paid to said _____ the bounty for which I have taken his receipt as above.

Dated at _____ this _____ day of _____ A. D. 18—.

_____ Treasurer of _____.

Subscribed and sworn to before me the day and year aforesaid.

_____ Justice of the Peace.

(Note. There is not uniformity of blank complaints and warrants sold and in use. All of them, so far as I have observed, are good. The many complaints that are quashed or dismissed by the courts on appeal are generally defective in that the offense sought to be charged is not legally stated. By following closely these forms no mistake can be made.)

SKELETON COMPLAINT WHICH MAY BE
INSERTED IN ANY WARRANT.

Form 1.

STATE OF MAINE.

County of.....ss.

To.....Esquire, a trial justice in and for the county of....., L. T.....of....., in the county of....., in behalf of said state on oath complains that.....C. D.....of.....in the county of.....on the.....day of.....A. D. 1900, at.....in the county of.....*did unlawfully hunt, chase, catch, kill and have in possession one caribou and parts thereof,

*against the peace of said state and contrary to the form of the statute in such case made and provided.

Wherefore, the said L. T.....prays that the said C. D.....may be apprehended and held to answer to this complaint, and be further dealt with relative to the same according to law.

Dated at.....in said county of..... this..... day of.....A. D. 1900.

.....Trial Justice.

STATE OF MAINE.

County of.....ss. Then the above named L. T..... personally appeared and made oath to the truth of the above complaint.

Before me, ...Trial Justice.

Warrant.

STATE OF MAINE.

County of.....ss.

To the sheriff of said county of....., or either of his deputies, and to either of the constables in any town in said county, or to any inland fish and game warden, (L. S.)

Greeting:

You are hereby required, in the name of the state of Maine, forthwith to arrest and bring before me, the subscriber, a trial justice in and for said county, or to some other trial justice in and for said county, the said C. D. named in the foregoing complaint, which is referred to as a part of this warrant, to answer to said state for the offense set forth in said complaint of said L. T....., this day made on oath before me, said justice; and to summon.....and.....both of said to appear and give evidence touching the subject matter of said complaint when and where you shall have the respondent.

Given under my hand and seal at..... in said county of....., the.....day of.....in the year, A. D.....

.....Trial Justice.

No. 2. Taking game or birds on Sunday.

Follow No. 1 to first *, then say "did then and there hunt, chase, catch and kill one deer" (or one moose or one pair of game birds as the case may be) then close as in No. 1 from second *.

No. 3. Taking trout in close time.

"On the.....day.....of....., ..., fished for and took fifteen trout, the same not being blue-back trout; against, etc., and contrary, etc.

No. 4. Exposing fish for sale in close time.

On the.....day of..... had in his possession with intent to sell, and expose for sale, three land-locked salmon; against, etc., and contrary, etc.

No. 5. Killing trout less than five inches in length.

With force and arms caught, killed and destroyed ten trout, each of which was less than five inches in length; against, etc., and contrary, etc.

No. 6. Using a trawl, weir, hedge, trap, etc., in capture of fresh water fish.

With force and arms used a trawl, (or whatever the device may be) for the capture of black bass, and then and there captured twelve black bass with said trawl from the pond in said, the same being a fresh water pond, and said black bass being fresh water fish; against, etc., and contrary, etc.

No. 7. Hunting and killing deer with dogs.

With force and arms did hunt with dogs and with them did kill and destroy one deer; against, etc., and contrary, etc.

No. 8. Killing deer in close time.

With force and arms killed and destroyed one deer; against, etc., and contrary, etc.

No. 9. Killing more than two deer.

Then and there with force and arms did kill and destroy and have in his possession between the first day of October and the fifteenth day of December, to wit on the day of November, A. D. three deer.

No. 10. Transporting carcass of deer killed in close time.

Transported from to the carcass of a deer which was killed between the fifteenth day of December and the first day of October, to wit on the day of September, against, etc., and contrary, etc.

No. 11. Transporting part of a moose, privily.

Transported part of a moose, to wit.....from to, the same not being open to view, or plainly labelled with the name and residence of the owner thereof, and not being accompanied by the owner thereof, and not having then and there the evidence of the sex of the moose attached thereto.

No. 12. Provision dealer selling deer at retail without license.

Then and there being a provision dealer having an established place of business, said, and not having procured a license of the commissioners of inland fisheries and game to carry on the business of buying and selling deer, had in his possession three deer, and then and there sold the same at retail to his local customers, against, etc., and contrary, etc.

No. 13. Having a jack light in possession in hunters' camp or lodge.

Then and there in a certain camp, lodge, and place of resort for hunters called had in his possession a jack light, so called; against, etc., and contrary, etc.

No. 14. Taking partridge with snare, etc.

With force and arms did take one partridge with a snare or trap (or whatever the device may be;) against, etc., and contrary, etc.

No. 15. For keeping a sporting camp, lodge, or place of resort without being licensed.

Did then and there keep a sporting camp, lodge and place of resort for inland hunting and fishing parties, and not having procured a license therefor from the commissioners of inland fisheries and game; against, etc., and contrary, etc.

No. 16. For engaging in the business of hunting and trapping without being licensed.

Did then and there engage in the business of hunting and trapping the fur bearing animals of the state, said being an unorganized township and on the wild lands of the State, and not having procured a license therefor from the commissioners of inland fisheries and game; against, etc., and contrary, etc.

No. 17. Guiding without a license.

Did on the.....day of.....A. D. 1900, and on divers other days between said day of A. D. 1900, and the day of the signing of this complaint, at.....in the county of..... unlawfully engage in the business of guiding for inland fishing and forest hunting, and not being then and there a registered guide either for inland fishing or forest hunting, and not having before engaging in the business of guiding as aforesaid caused his name, age and residence to be recorded in a book kept for that purpose by the commissioners of inland fisheries and game, and not having then and there procured a certificate from said commissioners setting forth in substance that he is deemed suitable to act as a local or a general guide either for inland fishing or forest hunting; against, etc., and contrary, etc.

.....

(Form of petition to close streams, lakes or ponds.)

To the Commissioners of Inland Fisheries and Game. Augusta, Me.

The undersigned, residents and taxpayers of in the county of, respectfully represent that in our judgment the best interests of the State require that there should be additional close time on the following described waters, viz:.....

(Here fully describe them.)

We therefore ask that such action be taken by your board, after notice and hearing, as you shall deem best, in accordance with the statutes in such case made and provided.

Dated at this day of A. D., 189....

Name.	Residence.	Occupation.
-------	------------	-------------

.....

FEES.

The fees for wardens and trial justices are the same in all fish and game cases as for sheriffs, deputy sheriffs, constables, and trial justices in other criminal actions.

*Table of Fees.***Trial Justice.**

Receiving complaint and issuing a warrant.....	50c
Summons	10c
Entry, swearing witnesses, rendering and recording judgment, taxing costs, and filing papers..	75c
Mittimus	25c

Officers' Fees.

Service of warrant.....	50c
Travel per mile (one way).....	12c
Summoning one witness.....	50c
Travel for summoning witnesses per mile (one way)	12c
Conveyance of prisoner (5 miles).....	\$1 00
Attending court 24 hours	1 50

An aid may be employed when necessary and allowed compensation. Witnesses are entitled to 12c per mile, one way, and 50c per day for attendance. Wardens may compel bystanders or onlookers to aid them in making an arrest. R. S., ch. 80, sec. 56.

INDEX.

	PAGE
Annual close time for fish	13
Annual close time for game birds	11
Agents, commissioners may appoint	10
Androscoggin county, protection of deer and fish in...	6-14-15-21
Aroostook county, protection of fish in.	16
Birds, game, close time on and insectivorous	11-12-13
Bull moose, protection of, etc	5-8-10
Beaver, protection of	27
Bond of wardens, and when game is seized	9-27
Blue-back trout, protection of	21
Commissioners, appointment, duties, and powers of...	31
Caribou, protection of	5
Cumberland county, protection of deer and fish in	6-14-16
Commissioners to take birds, nests and eggs.	24
Cusk, commissioners may grant permits to take	13
Capercaillie, protection of.	12
Certificates and licenses, commissioners may revoke...	26-30
County attorneys shall prosecute	30
Calf moose, defined and protection of.	5
Camps, sporting, must be licensed	24
Certificates of guides, etc.	24-25-26
Crows	12
Cross island, protection of deer on	7
Deer, protection of and in certain counties.	6-7
Deer may be killed in September for food	6
Dogs, use of prohibited, may be killed	8
Dynamite, use of forbidden	22
Dams and fishways	33
Duck, protection of	11
Deer skins, licenses to sell and deal in	26
Eels, commissioners may grant permits to take	13
Evidence, prima facie.	8-12-23
Exempted waters.	35-36
Franklin county, protection of fish in	13-16-17-20-21
Fish, protection of and use of spawn forbidden	13 to 24
Fish, transportation of, introduction of prohibited	22-23
Fishways and dams	33
Fish, artificial propagation of	36
Fish and game wardens, appointment, powers and duties	27-28
Fisher, protection of	27
Fires and forestry laws	38
Fees, collection and disposal of	28-29-30
Great pond, what it is	4
Grapnel, use of prohibited	22
Game birds defined, also game animals	28
Game or birds shall not be given away	9
Guides, registration of	26
Hancock county, protection of fish in	14-15-17
Hawks	12
Hunters, professional, licenses of	24
Isle au Haut, protection of deer on	7
Insectivorous birds, protection of	12
Jack lights, use of forbidden and contraband when	8-12
Jurisdiction of courts and trial justices	28

	PAGE
Kennebec county, protection of deer in, and fish ...	6-13-14-18-20
Knox county, protection of deer and fish in	6-15-19-21
Lincoln county, protection of deer and fish in	6-15-18
Land locked salmon, close time on.....	13
Larks, protection of.....	12
Licenses	6-10-24-25-26
Moose, protection of	5
Minnows for bait, taking of	21
Muskrat and mink, protection of, etc	13-27
Merrymeeting bay, protection of ducks in	12
Nets, use of and contraband when	22-23
Non-residents must employ guides in certain cases. ...	6
Non-resident guides, fee of	26
Oxford county, protection of fish in	13-14-18-20-22
Orioles	12
Penobscot county, protection of fish in	15-19
Piscataquis county, protection of fish in	18-21
Penalties, how collected and disposed of	5 to 9-11-22 to 29
Pickarel, permits to take	13
Partridge and plover, close time on	11
Provision dealers must be licensed to retail deer.....	25
Penobscot river, use of drift nets on	23
Participant compelled to testify	30
Park purposes—game and birds for	32
Quail, protection of.....	11
Ruffed grouse, protection of	11
Robins, protection of	12
Sagadahoc county, protection of deer in	6
Somerset county, protection of fish in.....	14 18-19-22
Screens, commissioners may put in	33
Spears and seines, use of prohibited.....	22
Set lines, use of prohibited except in ice fishing	22
Suckers, permits to take in closed waters	13
Snipe, swallows, sparrows (English) protection of.....	11-12
Sable, protection of	27
Sunday close time	7
Search and seizure of game, birds, fish, etc	9-23-27
Sporting camps, must be licensed	24
Salmon and trout, length of and defined	23-35-36
Snares, use of forbidden.....	8
Service of warrants.....	29
Spoon hooks and spinners may be used	22
Smelts may be taken for food purposes.....	21
Trout and togue, close time on	13
Taxidermists, appointment of	24
Transportation of moose, deer, birds and fish..	8-9-10-11-12-22-25
Tributaries, what are.....	19
Trawls and traps, use of prohibited	22
Tags to send birds, game and fish	10-25
Tern, protection of	11
Trial justices, jurisdiction of	28
Washington county, protection of fish in.....	14-15-19
Waldo county, protection of deer in	6
Wolves and wildcats, bounty on.....	27
Weir, use of prohibited	22
White fish, permits to take	13
Woodcock and woodpeckers, close time on	11-12
Wardens, appointment, powers and duties of	27
Wildlands, what are, and camping out on	6
York county, protection of deer and fish in.....	6-15-19

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